IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-00050-MR-WCM

MARLENE WILKERSON,)	
Plaintiff,)	OPPER
)	ORDER
v.)	
)	
HENDERSON COUNTY,)	
)	
Defendant.)	
	.)	

This matter is before the Court on Defendant's Motion to Dismiss Complaint (the "Motion," Doc. 4), which was filed on May 1, 2023.

Plaintiff filed an Amended Complaint on May 15, 2023. Doc. 12. <u>See also F.R.C.P. 15(a)(1)(B)</u>. Defendant filed a Motion to Dismiss Amended Complaint on May 26, 2023. Doc. 7.

"The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect." Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect."); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and

have been rendered moot by Plaintiffs' filing of the Second Amended Complaint"); <u>Ledford v. Eastern Band of Cherokee Indians</u>, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) ("It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot").

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss Complaint (Doc. 4) is DENIED AS MOOT AS A MATTER OF LAW.

Signed: May 26, 2023

W. Carleton Metcalf

United States Magistrate Judge